

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THADDEUS JIMENEZ, et al.,)	NO. CV10-459-MJP
)	
Plaintiffs,)	(Northern District of Illinois
)	Case No. 09-cv-8081)
v.)	
)	ORDER GRANTING CAROLYN
CITY OF CHICAGO, et al.,)	NIELSEN'S MOTION FOR
)	CALCULATION OF
Defendants.)	ATTORNEYS' FEES PER FED R.
)	CIV. P. 4(C)(1)
)	
)	
)	

This matter comes before the Court on the motion of Carolyn Nielsen asking that the Court enter a fee award in the amount of \$33,752.50 in attorneys' fees and \$690.75 in costs, in connection with Ms. Nielsen's successful efforts to quash two subpoenas brought by Police Defendants Jerome Bogucki, Mark Sanders, Raymond Schalk, F. Montilla, Lawrence Ryan and Robert Whiteman.

The Court has reviewed the files and records herein, including:

1. Carolyn Nielsen's Motion for Calculation of Attorneys' Fees Per Fed. R. Civ. P. 45(c)(1);

1 and

2 2. The supporting declarations and pleadings on file in this case, and otherwise
3 being fully advised on the matter,

4 The Court hereby finds as follows:

5 1. The attorneys' fee request in the amount of \$33,752.50, which reflects the
6 actual hours that DWT attorneys worked in connection with quashing the two subpoenas,
7 is reasonable. *See Long v. IRS*, 932 F.2d 1309, 1313-14 (9th Cir. 1991); *Morales v. City of*
8 *San Rafael*, 96 F.3d 359, 363-64 & n. 9 (9th Cir. 1996), *amended* 108 F.3d 981 (9th Cir.
9 1997).

10 2. The fees requested are reasonable because all of the work performed in this
11 case was based on a contingent billing arrangement in which the DWT attorneys bore
12 completely the risk of non-payment. DWT entered into this litigation as part of its *pro*
13 *bono* program with the expectation that it would seek its fees from the police defendants if
14 Ms. Nielsen prevailed.

15 3. The costs request in the amount of \$690.74 is properly supported and
16 reasonable.

17 The motion is hereby GRANTED. Police Defendants Jerome Bogucki, Mark
18 Sanders, Raymond Schalk, F. Montilla, Lawrence Ryan and Robert Whiteman are ordered
19 to pay Ms. Nielsen \$33,752.50 in attorneys' fees and \$690.74 in costs.
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1 IT IS SO ORDERED.

2 DONE this _22nd_ day of September, 2010.

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5 Marsha J. Pechman
6 United States District Judge

7 Presented by:

8 Davis Wright Tremaine LLP
9 Attorneys for Third Party Carolyn Nielsen

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11 By s/ Sarah K. Duran
12 Eric M. Stahl, WSBA #27619
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